

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11  
Case No. 17-22445(RDD)

METRO NEWSPAPER ADVERTISING  
SERVICES, INC.

Debtor.  
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**SCHEDULING AND PRE-TRIAL ORDER FOR EVIDENTIARY HEARING IN  
CONTESTED PROCEEDINGS**

By order on May 2, 2017 (ECF No. 44), the court scheduled an evidentiary hearing on August 3 and 4, 2017, in connection with the Debtor's Stay Violation Motion and tronc Inc.'s ("tronc") Relief from Stay Motion (as defined in that order) and this order sets forth the schedule for proceedings in those contested matters prior to the evidentiary hearings.

The parties (the Debtor and tronc) cannot amend this order by stipulation or otherwise, and the Court will not amend it unless presented with (i) proof of cause beyond the control of the party seeking amendment and (ii) timely application as soon as possible after the party seeking amendment learns of the cause. **FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTION.** If delay or other act or omission of your adversary may result in a sanction against you, it is incumbent on you to promptly bring this matter to the Court for relief.

It is hereby ORDERED as follows:

1. The Debtor and any other party in interest shall file any response or objection to tronc's Relief from Stay Motion on or before June 7, 2017 at 4:00 p.m., and both the Debtor and tronc reserve their rights to supplement their respective motions and responses or objections to the respective motions, including with evidence and memoranda of law in accordance with this Order.
2. All discovery shall be completed by July 12, 2017, unless the parties jointly agree to exceptions to this deadline and provided that no exception to this deadline will delay the scheduled evidentiary hearing. In the event of a dispute over discovery, the parties' counsel shall promptly confer to attempt in good faith to resolve the dispute. If, notwithstanding their good faith efforts to do so, they are unable to resolve a discovery issue, they shall promptly inform the Court by letter of the nature of the dispute and request a telephonic discovery conference. At the conference, the Court will ask the parties about their prior efforts to resolve the dispute.
3. The parties shall serve written discovery requests on or before June 14, 2017, and

respond to such written discovery requests within 21 days of service.

4. The parties may serve written discovery requests by e-mail to counsel, and e-mail service shall be deemed sufficient service.
5. The parties shall complete depositions, if any, by July 12, 2017.
6. In advance of the final pretrial conference, the parties shall have conferred and used their best efforts to agree on a joint exhibit book and shall have identified any exhibits whose admissibility is not agreed.
7. In addition, on or before July 20, 2017, the parties shall have exchanged proposed witness lists.
8. On or before July 27, 2017, the parties shall (a) submit to chambers declarations under penalty of perjury or affidavits of their direct witnesses, who shall be present at trial for cross-examination and redirect, or have sought the Court's permission to examine direct witnesses at trial, (b) submit to chambers excerpts of deposition transcripts to be used as evidence at the hearing, and (c) submit to chambers the joint exhibit book referred to in paragraph 6 hereof.
9. The parties may file pre-hearing memoranda of law on or before August 1, 2017.
10. The Court will hold a final pretrial conference on July 24, 2017 at 10:00 A.M., at which time the parties must be prepared to proceed with the evidentiary hearing as scheduled.

Dated: White Plains, New York  
May 25, 2017

/s/Robert D. Drain  
**Hon. Robert D. Drain**  
**United States Bankruptcy Judge**